

**The Honorable Karen A. Overstreet
Chapter 11**

Arnold M. Willig
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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON, AT SEATTLE**

In re:

No. 13-19298-KAO

NATURAL MOLECULAR TESTING
CORPORATION,

Debtor.

CLINICAL MICRO SENSORS, INC., a
Delaware corporation,

Plaintiff,

vs.

NATURAL MOLECULAR TESTING
CORPORATION, a Washington
corporation, and BEAU FESSENDEN, a
Washington citizen,

Defendants.

Adversary No.

**NOTICE OF REMOVAL/REFERRAL
TO UNITED STATES BANKRUPTCY
COURT**

TO: THE ABOVE-ENTITLED COURT;

AND TO: ALL PARTIES REQUESTING NOTICE.

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 157(a), 1408, 1409, 1412, and
1452 and Bankruptcy Rule 9027, on December 27, 2013, Natural Molecular Testing
Corporation (the "Debtor"), by and through counsel, HACKER & WILLIG, INC., P.S., as a party

NOTICE OF REMOVAL/REFERRAL TO
UNITED STATES BANKRUPTCY COURT - 1

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1 in that action pending in the United States District Court for the Southern District of
2 California, Case No. 13-CV-02366-DMS-RBB, files this Notice of Removal/Referral of said
3 action to the United States Bankruptcy Court for the Western District of Washington.

4 On October 21, 2013, the Debtor filed a petition for relief pursuant to 11 U.S.C. §
5 1101 *et seq.* in the United States Bankruptcy Court for the Western District of Washington
6 under the above-captioned case number. Accordingly, pursuant to 11 U.S.C. § 362(a), *inter*
7 *alia*, the commencement or continuation of judicial proceedings against the Debtor is stayed.

8 Prior to filing the Debtor's bankruptcy petition, Plaintiff Clinical Micro Sensors, Inc.
9 (the "Plaintiff") filed a Complaint for: breach of contract, violation of Unfair Competition
10 Law, Business & Professions Code § 17200, conversion, common counts – goods sold and
11 received, and common counts – quantum meruit against the Debtor. The Plaintiff is
12 requesting relief in the amount exceeding \$2,700,000.00. Plaintiff's claims may be related to
13 property of the Debtor's estate. Debtor disputes Plaintiff's claims, both monetary and
14 otherwise, raised therein.

15 Attached hereto as **Exhibits A - L**, and made a part of the above-captioned
16 proceeding, are copies of the pleadings filed in the following matter: *Clinical Micro Sensors, Inc.*
17 *v. Natural Molecular Testing Corporation and Beau Fessenden*, United States District Court for the
18 Southern District of California Case No. 13-CV-02366-DMS-RBB. This Notice will be filed
19 with the United States District Court for the Southern District of California, to advise the
20 parties and the Court of the election and removal herein.

21 Pursuant to U.S. District Court, Western District, Local Civil Rule 3(d)(1), assignment
22 in Seattle is appropriate because the underlying Chapter 11 bankruptcy proceeding is pending
23 before the Honorable Karen A. Overstreet in the U.S. Bankruptcy Court for the Western
24 District of Washington, at Seattle. By removing this action from the United States District
25 Court for the Southern District of California, Defendants do not waive any defenses available
26 to them, nor do they admit any of the allegations made against them by Plaintiff.

NOTICE OF REMOVAL/REFERRAL TO
UNITED STATES BANKRUPTCY COURT - 2

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1 This is a core proceeding under 28 U.S.C. § 157(b)(2). Venue is appropriately set in the
2 United States Bankruptcy Court for the Western District of Washington because the Debtor's
3 Chapter 11 bankruptcy is pending in this court and it is in the best interests of justice and the
4 convenience of the parties that the matters be adjudicated in this Court.

5 DATED this 27th day of December, 2013.

6 Respectfully submitted,

7 HACKER & WILLIG, INC., P.S.

8
9 /s/ Charles L. Butler, III

10 Arnold M. Willig, WSBA #20104

11 Elizabeth H. Shea, WSBA #27189

12 Charles L. Butler, III, WSBA #36893

13 Attorneys for Debtor
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